

### **REMARKS/ARGUMENTS**

Claims 1-15 are now pending in this application. Claims 1 and 3 were amended. As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

### **THE RESTRICTION REQUIREMENT**

The Examiner has imposed a Restriction Requirement on the claims originally filed with this application. In response, Applicants hereby elect group I, claims 1-2 and 5-9 for further prosecution on the merits in this application. This election is made with traverse.

Applicant respectfully submits that the claims in group I, claims 1-2 and 5-9, and in group II, claims 3 and 11-15 do not define inventions that are independent of and distinct from one another. In particular, the Applicant respectfully disagrees with the Examiner's statement that the process as claimed can be practiced by another and materially different apparatus or by hand. Firstly, the process as claimed cannot be practiced by hand, as claim 3 now explicitly recites that the process is computer-implemented. Further, as claims 1 and 3 now explicitly recite that the process is computer-implemented, the process as claimed excludes practicing the invention on a materially different apparatus (i.e. an apparatus that is not computer implemented) than that recited by the system claim (claim 1). Regarding the Examiner's example of a

system for a dating service, all systems for a dating service of which the Applicants are aware are computer-implemented, and thus are not materially different apparatuses from that claimed.

The Applicant likewise respectfully disagrees with the Examiner's statement that the apparatus as claimed can be used to practice another and materially different process. The apparatus of claim 1 explicitly claims practicing a process that is similar to that performed by the process of claim 3. Thus, as claimed, the apparatus of claim 1 cannot be used to practice another and materially different process.

In light of this, Applicants request the Examiner to withdraw the Restriction Requirement and examine all pending claims on the merits.

### CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith extending the time for response one month to and including February 1, 2007. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fees to Bingham McCutchen LLP Deposit Account No. 195127, Order No. 4191110057.

Respectfully submitted,  
BINGHAM MCCUTCHEN LLP

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By: 

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